

Government of the District of Columbia

ZONING COMMISSION



ZONING COMMISSION ORDER NO. 638-E

Case No. 93-13M/88-32C

(PUD Modification @ 1616 Rhode Island Avenue, N.W. - Gramercy)

June 9, 1997 and July 14, 1997

By Z.C. Order No. 638, dated November 13, 1989, the Zoning Commission for the District of Columbia approved a Planned Unit Development (PUD) and a related change of zoning from SP-2 to C-4 for Lot 80 in Square 182 located at 1616 Rhode Island Avenue, N.W.

The PUD approval and related change of zoning from SP-2 to C-4 involves the construction of a mixed-use building containing residential, office, and retail uses. The height of the building is 106 feet and the floor area ratio (FAR) will not exceed 6.86, of which 1.64 FAR will be devoted to residential use. The PUD allows the applicant to provide a variety of dwelling unit sizes, as long as there is a minimum of forty-eight (48) and a maximum of fifty-two (52) dwelling units in the PUD project. The PUD also permits parking of 125 spaces for commercial uses and not less than one parking space for each apartment unit. The total number of parking spaces on the site is permitted to vary from 173 to 177.

By Z.C. Order No. 638-A, dated February 12, 1990, the Commission revised conditions of approval numbered 6, 9 and 16 of Order 638, and the related architectural drawings.

Z.C. Order No. 638-B extended the validity of the PUD for a period of two years, pursuant to 11 DCMR 2406.8.

By Z.C. Order No. 638-C, dated August 1, 1994, the Commission approved the three-year interim use of the site as a parking lot. The approval of Z.C. Order No. 638-C was subject to various guidelines, conditions, and standards. Condition Nos. 3 and 10 of Z.C. Order No. 638-C provide that the interim parking lot use and its related certificate of occupancy shall be valid for three years, until March 9, 1997.

By Z.C. Order No. 638-D, the Zoning Commission approved a modification to Condition Nos. 3 and 10 of Z.C. Order No. 638-C to allow for the interim use to continue until September 9, 1997 and to allow for a valid certificate of occupancy until that date. Z.C. Order No. 638-D did not extend the validity of the PUD beyond the March 9, 1997 deadline set in Z.C. Order No. 638-C which granted a modification to the PUD to allow the interim use as a parking lot, and which effectively extended the validity of the PUD to March 9, 1997.

By a letter dated February 14, 1997, counsel for the applicant filed a motion for the extension of the validity of Z.C. Order Nos. 638, 638-A, 638-B, 638-C and 638-D. The applicant requested a two-year extension of the validity of the PUD that is until March 9, 1999 and requested that the interim use be extended to the same date.

The motion for extension advanced the following reasons for the current extension requests:

I. Reasons for the Extension of the PUD Approval

- a. The Partnership secured construction financing for the project and closed on that financing in 1990. Despite the receipt of a building permit and construction financing, the Partnership determined, in conjunction with its lender, to delay construction because of adverse economic conditions and the excessive supply of office space in the Downtown area.
- b. Since the issuance of the original Orders, the Partnership has expended considerable funds to produce the necessary technical data and drawings to apply for and receive a building permit from the District. It has fulfilled its \$150,000 obligation to the Board of Education and is continually expending funds in connection with its extensive efforts to market the project.

2. Reasons for the Extension of the Parking Lot Interim Use

- a. As the Zoning Commission found in Order No. 638-C, the parking lot is a reasonable interim use of the property, pending construction of the PUD. While it is not a tremendous income generator for the ownership, it does make more of a contribution to the area than does a vacant parcel. The extension of the permission to operate the lot until March 9, 1999 will allow for the continuation of the lot until construction is ready to begin.

The motion indicated that the Partnership remains committed to the project, as approved, by the Commission and intends to honor all of its commitments to the Commission, the District and the neighborhood. However, because of the stagnant real estate market and events beyond the Partnership's control, the Partnership will

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not be able to begin the project before the March 9, 1997 deadline. However, it intends to proceed with the project when market conditions improve or a lead tenant is secured.

The Office of Zoning (OZ), by a memorandum dated March 12, 1997, referred the extension request to the District of Columbia Office of Planning (OP) for an analysis of whether any amendments to the Zoning Map or Regulations, or to the Comprehensive Plan have taken place since the Zoning Commission initially decided this case that would affect this extension request.

By memorandum dated April 4, 1997, the OP indicated that neither the Zoning Regulations, nor the Comprehensive Plan designation for the site have changed since the Zoning Commission approved the PUD and map amendment. The OP recommended that the Zoning Commission extend the validity of the PUD and related map amendment for two years.

Advisory Neighborhood Commission (ANC) 2B, by letter dated March 25, 1997, supported the applicant's motion for a two-year extension of the PUD and for continued use of the site for an interim parking lot.

On April 14, 1997, at its monthly meeting, the Zoning Commission considered the applicant's motion, the OP recommendation, and the letter of support from ANC-2B.

After balancing all the issues relative to the motion for extension, and giving "great weight" to the position of ANC-2B, the Commission believes that its decision to extend the validity of the PUD and the interim use of the lot is reasonable, appropriate, and in the best interest of the District of Columbia.

The Commission also believes that its decision is not inconsistent with the intent of the Zoning Regulations and the Zoning Act, nor does it adversely affect the viability of the interim parking lot use, and will not change the temporary nature of the use.

In consideration of the reasons set forth in this order, the Zoning Commission for the District of Columbia hereby **ORDERS** that the validity of Z.C. Order Nos. 638, 638-A, 638-B, 638-C is **EXTENDED** for a period of **TWO YEARS**; that is until March 9, 1999 to file for a building permit, and until March 9, 2000 to begin construction. Z.C. Order No. 638-D, allowing the interim use of the lot as a parking lot is **EXTENDED** for a period of **18 MONTHS**, that is until March 9, 1999.


Vote of the Commission taken at its meeting on April 14, 1997 4-0: (Maybelle Taylor Bennett, John G. Parsons, Herbert M. Franklin and Jerrily R. Kress to approve the extension request).


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The first draft of this order was adopted by the Zoning Commission at its monthly meeting on June 9, 1997 by a vote of 4-0: (John G. Parsons, Jerrily R. Kress, Herbert M. Franklin and Maybelle Taylor Bennett, to adopt). On July 14, 1997, staff presented a revised order to the Commission for adoption. This order was adopted by the Zoning Commission at its monthly meeting on July 14, 1997 by a vote of 3-0: (John G. Parsons, Jerrily R. Kress and Maybelle Taylor Bennett, to adopt; Herbert M. Franklin, not present, not voting).

In accordance with provisions of 11 DCMR 3028, this order is final and effective upon publication in the D.C. Register; that is: on

JUL 25 1997


MAYBELLE TAYLOR BENNETT
Chairperson
Zoning Commission


MADELIENE H. DOBBINS
Director
Office of Zoning

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